

# Lake Carriers' Association



## MINUTES 29<sup>th</sup> ANNUAL CAPTAINS COMMITTEE MEETING

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DATE: February 21, 2012

Start: 0800

PLACE: Double Tree Hotel, Cleveland, Ohio

End: 1400

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### ATTENDEES

List of attendees is on page 4.

### MINUTES

#### WELCOME AND INTRODUCTORY REMARKS

James H. I. Weakley, President, Lake Carriers' Association, opened the meeting by welcoming all. He then gave a Power Point presentation that reviewed LCA's new approach to the dredging crisis, which, in fact, has spiraled into a full-blown emergency. The President's budget for this year provided funding for dredging only 11 ports. Thanks to Senator Carl Levin (D-MI) five more ports were added to the list and some funding was restored for work at the Soo Locks, but the Lakes are still being shortchanged.

The ban on earmarks has made LCA's previous gameplan, getting Great Lakes legislators to plus-up the budget, no longer viable. (The Levin ads were part of a \$149 million nationwide increase in the Corps budget.) Therefore, the Association, with the help of a number of members' customers, Canadian Shipowners Association, and the International Association of Machinists & Aerospace Workers, has engaged the lobbyists Dawson & Associates in Washington, DC, to help convince the top leadership in the Corps and Administration that the Lakes deserve their fair share of dredging dollars. This is will be a long process and since the Corps works on a two-year budget cycle, the first results will not be seen until 2014.

Weakley then invited RADM Mike Parks, Commander, Ninth Coast Guard District to the podium. RADM Parks stressed that he understands industry's desire for predictability when being regulated by the Coast Guard and strives to provide uniform performance District-wide. He then asked the Captains to help the Coast Guard keep the Lakes safe and secure by reporting anything out of the ordinary.

RADM Parks was asked if the Coast Guard will serve as the enforcement agency for New York's ballast water regulations. He responded that the Coast Guard has informed New York they will not take on this responsibility, but the question of enforcing state regulations is generally answered on a case-by-case basis. (Note, New York has since backed off its unachievable ballast water requirements and will seek a uniform Federal standard, but one that is higher than currently proposed by the EPA.)

#### U.S. Coast Guard Agenda Items

**Update on Vintage Vessel National Center of Expertise:** CDR Marc Cruder (Ret.) reviewed activities at the Vintage Vessel National Center of Expertise (VVNCOE) in Duluth, Minnesota. In 2011 Center personnel attended 34 vessels, including all main boiler exams. The Center is preparing for some training exercises, but everything is now in a state of flux given the proposal to disestablish the Center as a cost-saving measure and spread its duties among D9 personnel. LCA has already engaged on the issue and will work with the Great Lakes delegation to keep the VVNCOE open. (See attached letters to House and Senate committees with jurisdiction.)

**Ballast Water Regulations and Dry Cargo Residue Final Rule:** CDR Scott Anderson reported that the ballast water Final Rule was undergoing interagency review at the Office of Management and Budget. (The Final Rule was issued on March 16. Lakers are not required to treat ballast.)

There is still no time for release of the Final Rule governing the washdown of Dry Cargo Residue, but a Notice of Proposed Rulemaking (NPRM) is planned for this spring and it may propose that the reporting requirements in the Interim Final Rule be retired.

**Status of NVIC on USCG Form 2692:** CDR Anderson cleared up the confusion about an NVIC on proper use of the 2692. An NVIC is under consideration, but no final decision has been made. LCA encourages the Coast Guard to promptly proceed with an NVIC. The predictability RADM Parks so values is lacking when it comes use of 2692.

**Revisions to Maritime Transportation Security Act (MTSA) Implementing Regulations:** Josh Peters reported that the rewrite of the security regulations continues. The revisions will incorporate clarifications, lessons learned, various rulings and interpretations issued since 2004, and some new requirements. However, there is no firm timetable for publication of a NPRM. Summer 2012 is likely the earliest one will appear.

**TWIC Card Readers:** Peters reported that a NPRM is expected this summer. When the Coast Guard sought public comment on installing readers at facilities and on vessels, it proposed to exempt ships and docks that do not handle hazardous cargos. LCA supported that exemption.

**Crew and Vendor Access To Docks:** There was considerable discussion of the difficulties encountered at some docks. It is very difficult for crew members and suppliers and vendors to access vessels at some facilities. The security regulations require that facilities provide access, but there are few specifics on what constitutes reasonable and timely access. Coast Guard Headquarters has requested a rulemaking to address this lack of clarity and requirements.

The Coast Guard asked LCA to assemble a list of docks where access is difficult; the more details the better. D9 will then have field units discuss these issues with the facilities in question and seek to ease access. D9's position is if access "is not adequately addressed, the facility security plan shall not be approved." Therefore, COTPs will investigate all facilities where issues have been reported to ensure compliance of crew shore leave and access through the facility is being afforded to mariners.

**Bridge Branch:** Scott Striffler reported that issues with the NS Bridge #5 in the Calumet seem resolved for now. The highway bridges over the Calumet River performed excellently in 2011.

If the proposed new bridge over the Detroit River proceeds, the Captains asked that the current air draft be maintained from river bank to river bank.

**Wind Farms:** Nothing to report. Unless some tax benefits are extended at the end of this year, it is probably interest in wind farms will wane.

**Icebreaking:** LCRD Ropella reported all icebreaking assets are expected to be ready for the coming ice season.

**Aids to Navigation:** LCDR Ropella reported that with the mild winter and expected reduced demand for icebreaking, some aids may be restored ahead of schedule.

A general discussion of ATON followed and the Captains asked that the Brush Point Range Light revert to fixed red and the rear range be rebuilt to normal height. There is also a great need for trimming trees around the aids on Neebish Island.

Coast Guard Investigative Service: Neal Marzloff reviewed the role of Investigative Services and repeated RADM Parks' request that the ships report anything abnormal. He also asked that everyone assist in catching a person who has made more than 50 hoax distress calls from the area of Monroe, Michigan. Mr. Marzloff's telephone number is (216) 902-6137.

### **Lake Carriers' Association Agenda Item: Vessel General Permit**

Glen Nekvasil reviewed LCA's response to the EPA on the draft of the next Vessel General Permit (VGP). Concerning Ballast Water Treatment Systems, LCA endorsed the EPA's position that vessels that confine their operation to upstream of the Welland Canal will not be required to treat ballast but rather employ Best Management Practices. The Association did ask that upstream of the Welland begin at its eastern end and that the construction date for vessels eligible for this provision be set at 1/1/2012 rather than 1/1/2009.

The proposed VGP continues the ban on flushing of ballast tank sediment in U.S. waters. LCA again noted that there is no evidence that the sediment in lakers ballast tanks poses a risk to the environment and asked that the practice be allowed in waters 13 miles offshore.

LCA also asked that when systems do become available that can accommodate lakers' ballast volumes and flowrates there be a study to determine if the substantial cost (estimated at \$485 million in 2012 dollars) equals the potential benefit. Since lakers never leave the system they have never introduced an aquatic nuisance species. Furthermore, the Lakes are interconnected, so exotics can and do migrate freely. Lastly, lakers are but one of 64 possible vectors for spread, so one can argue the cost exceeds the benefit.

### **NOAA/National Weather Service Agenda Items**

**Overview:** Lynn Maximuk began NWS's portion the meeting by reviewing an experimental graphic product for Lake Huron that forecasts chaotic seas, maximum wave height and direction, and wind speed. He then reviewed NOAA's Coastal Storms Program which focuses on the Great Lakes for the next few years. Its goals include improved data and observations and regionally tuned modeling and forecasting.

**VOS Ship Observing Program Update:** Ron Williams announced this was a record-setting year for ship observations. 65 ships participated and provided almost 38,000 observations. If any vessel needs its MMTS temp sensor or barometer repaired, contact Williams (815-922-9757).

**Update of Services in the Great Lakes:** Richard Edwing reviewed infrastructure upgrades in 2011. The water level station at Algonac, Michigan, was completely upgraded. Unfortunately, budget constraints this year mean there will be no inspections of water level stations or any maintenance of current meters or met sensors.

**Ontario Storm Prediction Centre:** Tony Cham, Program Supervisor, Marine, reviewed the Centre's functions and services and surveyed the Captains as to their weather forecasting needs. Most of the Masters like the text forecast, though many also use MAFOR (some use them simultaneously). There appears to be no interest in NAVTEX, but Captains were unanimous in their preference for graphical forecasts, updated as often as possible. The Captains would also like to have one joint NWS/OPSC marine forecast for the entire Lake.

### **Captains Committee Recommendations**

1. The Captains asked the Coast Guard to address the deterioration of the fendering on bridges in Chicago. In many instances, it is now nearly non-existent.
2. The Captains asked the Coast Guard to finalize moving the start of the speed limit in the Detroit River to D33 in the hopes it can be in place by the opening of the season.
3. The Captains asked the Coast Guard to replace the lighted buoys in Sandusky with lighted ice buoys, perhaps the SABIC buoys that could be left in year-round. The unlit buoys are very difficult to see at night and the channels are very long.
4. The Captains reiterated that they need the nearshore weather forecasts the entire shipping season.
5. The Captains asked LCA to establish a committee on access to docks. Jim Weakley will take this recommendation to the Advisory Committee.

There being no further business, the meeting adjourned at 1350.

Minutes Submitted By Glen G. Nekvasil  
Vice President

## **ATTENDEES**

### **LAKE CARRIERS' ASSOCIATION MEMBERS (LCA Captains Committee Members – Bold)**

Tom	Anderson	American Steamship Company
<b>Captain Bob</b>	<b>Gallagher</b>	<b>American Steamship Company</b>
<b>Captain Bill</b>	<b>Millar</b>	<b>American Steamship Company</b>
Steve	Stanek	Andrie, Inc. / Inland Lakes Management, Inc.
<b>Captain Ray</b>	<b>Sheldon</b>	<b>Central Marine Logistics, Inc.</b>
Tom	Wiater	Central Marine Logistics, Inc.
<b>Captain Pat</b>	<b>Hart</b>	<b>Grand River Navigation Company, Inc.</b>
Mark	Rohn	Grand River Navigation Company, Inc.
Ed	Wiltse	Grand River Navigation Company, Inc.
<b>Captain Tim</b>	<b>Dayton</b>	<b>The Interlake Steamship Company</b>
Bob	Dorn	The Interlake Steamship Company
<b>Captain Joe</b>	<b>Ruch</b>	<b>The Interlake Steamship Company</b>
Jayson	Toth	The Interlake Steamship Company
Mark	Mather	Pere Marquette / Lake Michigan Carferry
<b>Captain Al</b>	<b>Tielke</b>	<b>Port City Marine/Steamship</b>
Jack	VanEnkevort	VanEnkevort Tug & Barge, Inc.

### **LAKE CARRIERS' ASSOCIATION**

Katie	Gumeny	Lake Carriers' Association
Glen	Nekvasil	Lake Carriers' Association
Jim	Weakley	Lake Carriers' Association

### **CANADIAN VESSEL OPERATORS**

Tom	Anderson	Algoma Central Corporation
Captain Scott	Balko	Algoma Central Corporation

### **FEDERAL AGENCIES**

CDR Scott	Anderson	Ninth Coast Guard District
CAPT John	Bingaman	Ninth Coast Guard District
Marc	Cruder	U.S. Coast Guard Headquarters
Neal	Marzloff	U.S. Coast Guard Investigative Service
James	Noble	U.S. Coast Guard Investigative Service
RDML Mike	Parks	Ninth Coast Guard District
Josh	Peters	Ninth Coast Guard District
LCDR Keith	Ropella	Ninth Coast Guard District
Scot	Striffler	Ninth Coast Guard District
CAPT Darryl	Verfaillie	Ninth Coast Guard District
Richard	Crout	NOAA/National Weather Service – Stennis Space Ctr, MS
Richard	Edwing	NOAA – Silver Spring, MD
Gary	Garnet	NOAA/National Weather Service - Cleveland
Lynn	Maximuk	NOAA/National Weather Service – Central Region
John	Wasserman	NOAA/National Weather Service – Stennis Space Ctr, MS
Ron	Williams	NOAA/National Weather Service – Duluth, MN
Josh	Feldmann	U.S. Army Corps of Engineers
Allan	Frappier	U.S. Army Corps of Engineers
Kevin	Sprague	U.S. Army Corps of Engineers
Dave	Wright	U.S. Army Corps of Engineers

### **GUESTS**

Dwight	Beranek	Dawson & Associates
Tony	Cham	Ontario Storm Prediction Center
Dan	Gallagher	Lakes Pilots Association
Phil	Knetchel	Lakes Pilots Association
Gabe	Schneider	Senator Carl Levin's Office
John	Wellington	Wellington Maritime